



KENTUCKY STATE BOARD OF PHYSICAL THERAPY

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Rebecca E. Klusch
Executive Director

MINUTES OF SPECIAL MEETING August 15, 2007

Board Members Present: Debra Turner, PT, Chair
Ron Barbato, PT
Peggy Block, PT
Troy Grubb, PT
Margaret Blain, PT

Board Staff: Becky Klusch, Executive Director

Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel

Board Members Absent: Kristie Cochrane, PT

A Special Meeting of the Kentucky State Board of Physical Therapy was called to order by Debra Turner, Chair, at 9:00 a.m., Wednesday, August 15, 2007, at The Hyatt Place, Louisville. A quorum was present.

Motion was made by Peggy Block, seconded by Margaret Blain to approve the minutes as amended of the July 18, 2007, Board Meeting. Motion carried.

C2007-08 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the Settlement Agreement between the *Kentucky Board of Physical Therapy v. Robin R. McWhorter, PTA*. The Board approved the recommendation, seconded by Peggy Block. The motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-33 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open investigation and Issue a Conditional Reinstatement of License and Settlement Agreement with specific settlement authority given to Board Counsel. The Board approved the recommendation, seconded by Troy Grubb. The motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-34 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and issue a Cease and Desist. The Board approved the recommendation, seconded by Margaret Blain. The motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-35 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Peggy Block. The motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-36 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Troy Grubb. The motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-37 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and issue an Order of the Board for three random drug screens within sixty days. The Board approved the recommendation, seconded by Troy Grubb. The motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

A monitoring report on Shayne Ferguson, PT, was given by Margaret Blain.

The Board reviewed a question from Leslie Lindsay, PT, regarding whether a physical therapist or physical therapist assistant may bill for casting as a service to a physician, without performing an evaluation. 201 KAR 22:053 §2 states that a physical therapist shall: *(2) Evaluate each patient: (a) Prior to initiation of any treatment.* In order to bill for the casting, an evaluation shall be performed set forth in 201 KAR 22:053 § 5 and the casting would be part of the Plan of Care.

The Board reviewed a question from Christi Funkhouser, PT, regarding whether a physical therapist was bound by the Practice Act to treat a patient that had been previously discharged and was given a written order for more physical therapy. 201 KAR 22:053 §2 states: *(2) a physical therapist shall evaluate each patient ... (c) if requested by a referring professional.* A physical therapist also determines whether developing a treatment plan is appropriate as stated in KRS 327.070 §1 (2)(b) *Continue physical therapy services beyond the point of reasonable benefit to the patient, unless the patient consents in writing.*

Ron Barbato made a motion to adjourn at 10:30 a.m., seconded by Margaret Blain. The motion carried.

The Board approved the Summer, 2007, Newsletter as amended. The motion carried.

Respectfully submitted,

Rebecca E. Klusch
Executive Director